

Atty Docket No. NOKIA.1002 US

**IN THE CLAIMS:**

Please amend the claims in accordance with the following listing of claims:

1. (Cancelled)
2. (Cancelled)
3. (Cancelled)
4. (Cancelled)
5. (Cancelled)
6. (Cancelled)
7. (Cancelled)
8. (Currently Amended) The In a mobile communication system for communicating packet data in at least a first packet data flow pursuant to at least a first communication session with at least a first mobile station by way of at least a first air link, the mobile communication system having a network portion to which at least a first data service is coupled, and the network portion including a network element and an interface element connected thereto by way of a

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communication link, the packet data communicated between the network element and the first mobile station upon a communication path of which the communication link and the first air link form portions, an apparatus facilitating at least the first packet data flow upon the communication path, said apparatus comprising:

a data packet flow selector coupled to the network portion for receiving an indication of claim 1 communication of the packet data in the first packet data flow upon the first air link, said selector operable responsive thereto for selecting whether to control the network element to directly alter the first packet data flow upon the communication path, and

wherein packet data communicated in the first packet data flow by way of the first air link is communicated upon the first air link pursuant to an ARQ scheme in which the first mobile station returns an ACK (acknowledgment) when a data packet is successfully received at the first mobile station and a NACK (negative acknowledgment) when the data packet is unsuccessfully received at the first mobile station and wherein the indication, of the communication of the packet data in the first packet data flow, to which said packet data flow selector is coupled to receive, comprises a value inversely related to numbers of ACKs returned by the first mobile station.

9. (Original) The apparatus of claim 8 wherein the interface element comprises a buffer at which data packets are buffered at least for a selected time until an ACK is returned by the first mobile station indicating successful reception thereof at the first mobile station, the data packets buffered at the buffer forming a queue of a queue length corresponding to the data packets buffered at the buffer and wherein the indication, of the communication of the packet

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data in the first packet data flow, to which said packet data flow selector is coupled to receive further comprises a queue length indicia representative of the queue length at the buffer.

10. (Original) The apparatus of claim 9 wherein said data packet flow selector selects to terminate communication of the first packet data flow upon the communication path when the queue length indicia is beyond a selected threshold.

11. (Original) The apparatus of claim 10 wherein the indication of the communication of the packet data in the first packet data flow and of which said data packet flow selector is coupled to receive comprises a value representative of a signal-to-noise ratio of data packets communicated upon the first air link.

12. (Original) The apparatus of claim 11 wherein said data packet flow selector selects to terminate communication of the first packet data flow upon the communication link when the value representative of the signal-to-noise ratio is beneath a selected threshold.

13. (Cancelled)

14. (Cancelled)

15. (Cancelled)

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16. (Cancelled)

17. (Cancelled)

18. (Cancelled)

19. (Cancelled)

20. (Cancelled)

21. (Cancelled)

22. (Cancelled)

23. (Cancelled)

24. (Cancelled)